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Minutes

Board of Boiler Rules

National Guard Armory, 14 Minuteman Lane, Wellesley, MA 02481

Meeting of September 6, 2012, 9:30 AM

1. Meeting called to order by the Chairman at 9:32 AM, followed by roll call.

Board Members Present:

Patrick Kane, Chairman
Ray Archambault
Thomas Healy
Charles Perry
Ernest Hall

Board Members Not Present:

None

Guests Present:

Brian Logan, DPS	Bill Reny, CNA
Tom O'Rourke, DPS	Mark Mooney, Liberty Mutual
Francis Bucchiere, DPS	Leah Francis, Liberty Mutual
Rick Feeney, DPS	Benjamin Calderon, Liberty Mutual
George Streeter, DPS	Daniel Landry, Liberty Mutual
Mike Burge, DPS	Glenn Robinson, HSB
John Lawrence, DPS	Bob Trombley, HSB
John Rogers, DPS	Jim Igoe, New Bedford VTHS
Dave Gosselin, DPS	Paul Logan, SEI
Bob Schultz, DPS	Joseph Markowski
Michael Roby, FM Global	Eric Rubin, NECCO
Anthony Lucia, Agri-Mark	Matthew Tatarczuk
Don Stats, Travelers	Carrie Torrisi, DPS
Steve Sawyer, Travelers	Cesar Lastra, DPS
Frank Zarrella, Travelers	Holly Bartlett, DPS
Mike Roby, FM Global	

2. Minutes of previous meeting: The minutes from the previous meeting on June 7, 2012, were distributed. *A motion to accept these minutes into record was made by Ray Archambault, seconded by Ernest Hall, and approved by a unanimous vote.*
3. Petitions for inspectional considerations:

- a. Lonza Hopkinton – Extension Request dated May 22, 2012, for a 6 month extension of the inspection requirement for two units, MA #1131258 and MA # 071280. **This request was considered at the June 2012 meeting, but denied at that time pending further documentation* As the necessary inspections have been completed, as documented in a letter from Lonza to the Chairman dated July 13, 2012; no action was taken in this matter.*
- b. Pinetree Power Fitchburg – Extension request dated June 5, 2012, for a 6 month extension of the inspection requirement for one unit, MA # 068133. A representative from Pinetree Power pointed out that a letter from FM Global has been submitted to support this request. *Motion to approve this request made by Tom Healy, seconded by Ray Archambault; motion passed by unanimous vote.*
- c. Taunton State Hospital – Extension request dated June 6, 2012, for a 90 day extension of one unit, MA #71606. The Chairman stated that DPS Inspector Mark Sullivan has recommended that this request be approved. *Motion to approve this request made by Ray Archambault, seconded by Ernest Hall; motion passed by unanimous vote.*
- d. UMASS Dartmouth – Extension request dated August 3, 2012, for a 180 day extension of the inspectional requirement for two units, MA #071352A and MA #071353. The Chairman stated that DPS Inspector Mark Sullivan has recommended that this request be approved. *Motion to approve this request made by Ray Archambault, seconded by Ernest Hall; motion passed by unanimous vote.*
- e. Cubist Pharmaceuticals – Extension request dated June 22, 2012, for a 60 day extension of the inspectional requirement for two units, MA #156015 and MA #156016. *Motion to approve this request made by Earnest Hall, seconded by Ray Archambault; motion passed by unanimous vote.*
- f. Purity Linen Services – Extension request dated July 2, 2012, for a 30 day extension of the inspectional requirement for one unit, MA #142305. Leah Francis from Liberty Mutual stated that she had inspected one of the two units operated by Purity, and that she recommends the Board approve this request. *Motion to approve this request made by Earnest Hall, seconded by Ray Archambault; motion passed by unanimous vote.*
- g. Newton Wellesley Hospital – Extension request dated July 25, 2012, for a 4 month extension of the inspectional requirement for one unit, MA #S12047. Tom Ross from Newton Wellesley Hospital was present, and explained that the extension request is so that the unit can remain on line while unforeseen repair work is done on separate unit. *Motion to approve this request made by Charles Perry, seconded by Ray Archambault; motion passed by unanimous vote.*
- h. Proctor & Gamble Co. – Extension request dated July 18, 2012, for a 6 month extension of the inspectional requirement for two units, MA #S21987 and MA #021986. *Motion made to approve this request by Charles Perry, seconded by Ernest Hall; motion passed by unanimous vote.*
- i. Barnhardt Manufacturing – Extension request dated August 17, 2012, for a 4 month extension of the inspection requirement for one unit, MA # 72296. *Motion to approve this request made by Ernest Hall, seconded by Tom Healy; motion passed by unanimous vote.*
- j. L'Energia Energy Center – Extension request dated August 20, 2012, for a 4 month extension of the inspection requirement for three units, MA #138167, MA #138166 and MA #138168. *Motion made to approve this request made by Ray Archambault, seconded by Ernest Hall; motion passed by unanimous vote.*
- k. Exelon Generation – Request dated August 20, 2012, for a 45 day extension of the inspection requirement for two units, MA #119022 and MA #119023. *Motion to approve this request made by Ernest Hall, seconded by Ray Archambault; motion passed by unanimous vote.*
- l. Taunton Municipal Lighting Plant – Request dated July 18, 2012, for a 30 day extension of the inspectional requirement for two units, MA # S-12116 and MA # S-12117. Ernest Hall recused himself from considering this matter, as he is employed at this facility. *Motion to approve this request made by Ray Archambault, seconded by Tom Healy; motion passed by unanimous vote.*
- m. Fitzwilly Building/Masonic Building – Request dated August 29, 2012, for an unspecified extension of the inspection requirement for one unit, MA #99494. *Motion to deny this request pending additional information from the applicant made by Ray Archambault, seconded by Ernest Hall; motion passed by unanimous vote.*

- n. Koch Membrane Systems, Inc. – Request dated September 4, 2012, for a 4 month extension of the inspectional requirement for one unit, MA #137298. It was noted by the Board members that the Date of Last Inspection provided on the application (9/30/12) had not occurred yet, and the Duration expiration date provided (1/3/12) had already passed, and that no assumptions would be made as what the correct dates should be. *Motion to deny this request pending additional information from the applicant made by Ernest Hall, seconded by Ray Archambault; motion passed by unanimous vote.*
 - o. Calvary Baptist Church – Variance Request dated May 30, 2012, for a waiver of the ASME H-Stamp requirement for a coal-fired boiler unit located at Calvary Baptist Church, 413 Main Street, Easthampton, MA 01027. Following brief discussion, the members agreed that a letter needs to be sent to the applicant requesting additional information to approve this request. *A motion to deny this request pending additional information from the applicant made by Ernest Hall, seconded by Ray Archambault; motion passed by unanimous vote.*
 - p. Tutor Perini Corporation – Variance Request dated July 19, 2012, for a waiver of the requirement for a pressure relief valve per 522 CMR 9.0. Brian Logan, Supervisor of the State District Engineering Inspectors, recommended that he have the state engineering inspector make a site visit to clarify with the applicant who the insurer is, and to assess the situation; the Chairman agreed. The Board will reconsider this application at the next meeting with input from the state inspector. *Motion to deny this request pending additional information from the district engineering inspector was made by Tom Healy, seconded by Ernest Hall; motion passed by unanimous vote.*
 - q. Greater New Bedford Vocational Technical High School – Variance Request dated April 30, 2012, for variance from the requirement of ASME Boiler and Pressure Vessel Code Section VIII for ASME stamping of the code of construction for refrigeration unit MAM-131554. The Chairman provided minutes from previous Board meetings containing information regarding similar requests for the Board’s consideration. Following . *A motion to once again table this request until additional information is available was made by Ernest Hall, seconded by Ray Archambault; motion passed by unanimous vote.*
4. Review of CMR – Continuing Education Requirement (Section 18): The Chairman introduced this topic, stating that the information contained in Section 18 of 522 CMR regarding continuing education requirements for engineers and firemen does not belong under that regulation in accordance with M.G.L Chapter 146, and that it should be moved to the Department regulation, 520 CMR. *A motion was made by Ray Archambault, seconded by Ernest Hall, to transfer this section from 522 CMR to a 520 CMR designator; motion passed by unanimous vote.*
5. Open Meeting Law – Remote Participation: Carrie Torrisi, DPS Assistant General Counsel addressed this matter, explaining that the Board members can use the remote participation option from the Open Meeting Law, but that they must first formally adopt this policy. She also noted that although members may participate and vote from a remote location, a quorum of members must be physically present in order for the meeting to take place. *A motion to adopt this policy was made Ernest Hall, seconded by Tom Healy; motion passed by unanimous vote.*
6. Request for Interpretation – 522 CMR 7.00 (Air Tanks): State District Inspector Tom O’Rourke presented this matter, stemming from a dispute between Hartford Steam Boiler and Inspector O’Rourke of their respective interpretations of 522 CMR 7.01(b). Inspector O’Rourke presented two specific questions, spelled out in a handout presented to the Board. Glenn Robinson from Hartford Steam Boiler offered additional insight into this matter. Following discussion of this matter, *a motion was made by Ernest Hall, seconded by Ray Archambault, to continue this matter until the next meeting pending further consideration by the Board members; motion approved by unanimous vote.*
7. Review of Extension Request Form: The Chairman presented to the Board the current form used for extension requests, which was last reviewed 1994, and asked that the members review this form for discussion at the next meeting.

8. New Business:

- a. Paul Logan, Steam Engineering Institute: Mr. Logan acknowledged the Board's efforts to reduce background noise so all attendees could better hear the Board members during the meeting. Mr. Logan then presented a petition to the Board to remove section 2.02, which he had originally presented to the Board in 2009 and has been tabled since that time. Mr. Logan went on to discuss details as to why 2.02 should be repealed from the regulation. The Chairman told Mr. Logan that this information should be discussed at the public hearing regarding the proposed changes to the regulation. Mr. Logan then presented to the Board a second petition asking that the Board reinstate a committee tentatively formed in 2011 to provide recommendations to the Board for the revision of the regulations, suggesting that the Board should take input from the professional who attend the Board meetings prior to going to a public meeting. The Chairman expressed the Board's appreciation of his input, and reminded him that the changes will be addressed at the public hearing. Mr. Logan emphasized that the proposed changes to the regulations include changes to Chapter 146, which the Board is not authorized to do.
- b. Inspector Thomas O'Rourke: Recommended that the Board consider using a technical committee to provide input to the Board for proposed changes to the regulation prior to moving to public hearing. The Chairman responded that, taking the open meeting law into consideration, this matter would have to be presented to the DPS General Counsel. Inspector O'Rourke agreed, emphasizing that the volume of information to be considered by the Board, in conjunction with regular meetings only mandated at twice a year, presented a workload that would be difficult for the Board members alone to address. The Chairman said that he would again check with counsel as to whether a technical committee could be possible.
- c. Paul Logan again addressed the Board, saying that the DPS must be following the latest 2012 interpretation of the open meeting laws by the Attorney General, and that no one else can interpret those rules. Mr. Logan also questioned the Board's 'passing' of the regulation; Mr. Torrisi clarified that the Board had 'approved' proposed draft of the changes, and that they had not actually promulgate the changes.
- d. Frank Zarella: Agreed that Section 18 should be removed from 522; he also asked that the Board consider whether Section 2, regarding scope of engineer in charge, which should be moved to another section, as it is the responsibility of the Department of Public Safety. The Chairman said that this would be addressed at the public hearing.

9. Adjournment – The Chairman proposed that the Board meet next on Thursday, November 1, 2012 at 9:30. Motion made by Ernest Hall, seconded by Ray Archambault, followed by a unanimous vote to adjourn this meeting at 11:07.